

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	CASE NO. 1:16-CR-0224
)	
Plaintiff,)	JUDGE PATRICIA GAUGHAN
)	
vs.)	
)	
)	<u>SUPPLEMENTAL</u>
)	<u>SENTENCING MEMORANDUM</u>
RADU MICLAUS, et al.)	<u>ON RE-SENTENCING</u>
)	<u>ISSUES</u>
Defendants.)	
)	
)	

Now comes Defendant Radu Miclaus (the "Defendant"), by and through counsel, and hereby respectfully submits the Defendant's supplemental memorandum regarding the issues related to the remand for sentencing. This filing supplements and amends in part Defendant's Sentencing Memorandum - doc#290.

I. The Actual Loss issue on remand.

Regardless of whatever arguments are advanced by any other defendant in this case, the Defendant is not asking this Court on remand to re-determine (de novo) actual loss in this case. The Defendant should not be burdened or prejudiced by arguments made by the any other defendant in this case which are not specifically ratified by the Defendant.

II. The First Step Act issue.

Regardless of the notation made by the Defendant in the Defendant's initial Sentencing Memorandum, it appears that First Step Act Credits provided by the First Step Act do not apply to a defendant who is subject to removal. See 18 USC 3632(d)(4)(E) (attached hereto as Exhibit A). See also "The First Step Act of 2018: An Overview - Congressional Research Service," page 5 (attached hereto as Exhibit B). See also "Federal Register - FSA Time Credits," page 19 (attached hereto as Exhibit C).

Accordingly, the Defendant cannot make a plea to this Court to issue a recommendation that the Defendant get any benefit of the First Step Act.

The does not mean, and the attached sources hold, that the Defendant is not entitled to other meaningful day credits issued by the BOP.

III. Conclusion.

Other than what is set forth above, the Defendant ratifies the Defendant's original Sentencing Memorandum.

Respectfully submitted;

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PROOF OF SERVICE

I hereby certify that a true copy of the foregoing has been filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic record. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic system.

S/Michael J. O'Shea

Michael J. O'Shea